

11-3-4 Residential Facilities for Elderly Persons

(a) Definition:

Residential Facility for Elderly Persons - means a single-family or multiple-family dwelling unit that meets the requirements of Utah State Code Part 5 and any ordinance adopted under authority of that part. Residential facility for elderly persons" does not include a health care facility as defined by Utah State Code Section 26-21-2.

(b) Required Information:

In addition to the information required herein for all Permit Applications, the Applicant shall submit information necessary to demonstrating compliance with the following conditions:

- (1) A residential facility for elderly persons may not operate as a business.
- (2) A residential facility for elderly persons shall:
 - (i) be owned by one of the residents or by an immediate family member of one of the residents or be a facility for which the title has been placed in trust for a resident;
 - (ii) be consistent with existing zoning of the desired location; and
 - (iii) be occupied on a 24-hour-per-day basis by eight or fewer elderly persons in a family-type arrangement.
- (3) A residential facility for elderly persons may not be considered a business because a fee is charged for food or for actual and necessary costs of operation and maintenance of the facility.
- (4) the facility meet all applicable building, safety, zoning, and health ordinances applicable to similar dwellings;
- (5) adequate off-street parking space be provided;
- (6) the facility be capable of use as a residential facility for elderly persons without structural or landscaping alterations that would change the structure's residential character;
- (7) residential facilities for elderly persons be reasonably dispersed throughout the county;
- (8) no person being treated for alcoholism or drug abuse be placed in a residential facility for elderly persons;
- (9) placement in a residential facility for elderly persons be on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility.
- (10) If the county determines that the residential facility for elderly persons complies with the ordinances, it shall grant the requested permit to that facility.
- (11) The use granted and permitted by this section is nontransferable and terminates if the structure is devoted to a use other than a residential facility for elderly persons or if the structure fails to comply with the ordinances adopted under this part.
- (12) If a county has not adopted ordinances under this part at the time an application for a permit to establish a residential facility for elderly persons is made, the county shall grant the permit if it is established that the criteria set forth in this part have been met by the facility.

(c) Required Findings:

Compliance with all above listed conditions , all other requirements

specified in this Ordinance and any other conditions placed on the applicant by the approving agency.

(d) Duration:

For so long as the facility operates in compliance with the aforesaid conditions and maintains all state licensing requirements.